

REMARKS/ARGUMENTS

Claims 87, 88, 91, 96, 98, 99, and 177 are amended; claims 192-199 are new; claims 97, 101-103, 129-131, 175, 176, 179, and 182-185 are cancelled herein; and claims 87, 88, 91, 96, 98, 99, 112, 114, 128, 177, 178, 180, 181, 186-190, and 192-199 are pending and subject to examination, upon entry of this amendment.

No new matter has been added. Support for the amended and new claims can be found, for example, in paragraphs [0010], [0015]-[0018], [0032], [0033], [0035], [0036], [0045], [0046], [0047], [0048], [0052], and [0065] of the originally filed specification. A mapped version of claim 87 with references to paragraph numbers showing exemplary support for the Amendment thereto is shown at the end of these remarks.

Interview Summary:

A telephonic interview took place on February 4, 2010 between Applicant's representative Christopher L. Willink and Examiner Harshad R. Parikh. Claim 87 was discussed with regards to the prior art, and no agreement was reached. Applicant thanks the Examiner for his participation in the interview.

35 U.S.C. §112, Second Paragraph:

Claims 87, 177, 184, and 185 are rejected as being indefinite. Applicant respectfully disagrees, but has amended claims 87 and 177 to remove the allegedly indefinite subject matter, and cancelled claims 184 and 185, to overcome the rejection solely in order to expedite prosecution of the application.

Claims Rejections – 35 USC §102:

Claims 87-88, 91, 95-99, 101-102, 112, 114, 128, 130-131, 175-176 and 184 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,590,038 to Pitroda et al. ("Pitroda"). The rejection is respectfully traversed.

Pitroda does not teach nor suggest, *inter alia*, "the base device having a local electronic receipt database that is used to store electronic receipts generated by the base device, the base device having a local electronic receipt activity log that is used to maintain historical

information for transactions conducted via the base device... wherein information from the local electronic receipt database and the local electronic receipt activity log is exported to the receipt administration system at predetermined time intervals" as required by amended claim 87, and similarly by independent claim 177.

The CIU 21 and POS 23 of Pitroda was cited as being anticipatory of claims 87 and 177. Applicant respectfully disagrees, as has been well discussed in past responses. However, applicant has amended the independent claims solely to expedite the prosecution of the application, as well over six years have passed since the filing of the application.

Pitroda does not recite any hint or mention of the CIU device and POS device having a database for storing electronic receipts, nor a log which is used to maintain historical information for the transactions occurring at the CIU device. Pitroda clearly recites that transaction details of a sales transaction are transmitted to "the point of sales computer, the UET card, and the American Express service" (Col. 17, lines 1-2) after the completion of a sales transaction. The CIU 21 also does not inherently maintain such records, as Pitroda recites transmitting details from the CIU 21 directly following a transaction.

To the contrary, Pitroda recites that account records are maintained at a "storage means" of an institutional system, which is separate from the CIU device (Col. 5, lines 14-34). Pitroda further recites that the institutional system is separated from the CIU device by a transactional system (Col. 5, lines 35-43). Thus, the CIU device is well separated from any "storage means". Accordingly, the CIU device clearly does not store information as claimed, and further offers no suggestion that the claimed features are desirable or needed.

Further, Pitroda does not recite any hint or mention of exporting information from a local electronic receipt database and the local electronic receipt activity log at predetermined time intervals. As noted above, Pitroda recites transmitting sales transactions details as a result of an associated transaction. Given that Pitroda does not recite a database to store such records; such a feature does not logically extend from the reference.

Further, the sales transaction recited by Pitroda is not a predetermined event, but is contemporaneous to the actions of a purchaser. Accordingly, Pitroda's recited transmission of

transaction details to "the point of sales computer, the UET card, and the American Express service" does not occur at a predetermined time interval.

Pitroda also does not teach nor suggest, *inter alia*, "wherein the base device is a point of sale device, which separately receives from the service provider information regarding price paid for the service and/or product of the transaction, and also information regarding the account of the user of the portable device that was approved by the issuer to pay for the service and/or product of the transaction, for incorporation into the electronic receipt," as required by amended claim 87, and similarly by independent claim 177.

Pitroda clearly recites that the CIU device is responsible for credit authorization and direct communication with a credit issuer ("American Express") in order to transmit a credit approval request and receive an approval for conducting the transaction using the UET card (Col. 16, lines 35-52). Accordingly, the CIU device does not separately receive information from a service provider regarding the "price paid for the service and/or product", which takes place after the transaction has been approved. The CIU device also does not separately receive information from a service provider regarding the "account of the user of the portable device that was approved by the issuer", which also takes place after approval.

For at least the above reasons, claims 87 and 177, and all claims dependent therefrom, are not anticipated by Pitroda.

Claim Rejections – 35 USC § 103:

Claims 129, 179, 180, 182-183, 187, 186, 188-191 are each rejected under 35 U.S.C. 103(a) as allegedly being obvious over Pitroda in view of U.S. Pub. No. 2003/0055733 to Marshall et al., or U.S. Patent No. 6,898,598 to Himmel et al., or U.S. Patent No. 6,487,540 to Smith et al. These rejections are respectfully traversed. The rejected claims ultimately derive patentability from claims 87 and 177, and also recite patentable claim limitations in their own right, which are not expounded upon herein solely for the sake of brevity.

Mapped Claim 87 (deleted portions removed for clarity):

Claim 87. A system for managing electronic receipts, comprising:

a base device communicatively coupled to a portable device, the portable device or an aspect of the portable device being associated with an account of a user of the portable device, the account being issued by an issuer [0010], the base device associated with an identifier, the base device storing a plurality of electronic receipt policies, the base device generating an electronic receipt corresponding to a transaction between the user and a service provider via the portable device for a service and/or product of the service provider [0016], [0035] using a select policy of the plurality of electronic receipt policies, and the base device forwarding the generated electronic receipt to the portable device for storage, the base device having a local electronic receipt database that is used to store electronic receipts generated by the base device, the base device having a local electronic receipt activity log that is used to maintain historical information for transactions conducted via the base device [0016]-[0018];

wherein which one of the plurality of policies is the select policy used for generating the electronic receipt is selected by the base device [0035] and depends on the transaction for the service and/or product between the user and the service provider, the select policy being managed by a receipt administration system [0032],

wherein the base device is a point of sale device, which separately receives from the service provider information regarding price paid for the service and/or product of the transaction, and also information regarding the account of the user of the portable device that was approved by the issuer to pay for the service and/or product of the transaction, for incorporation into the electronic receipt [0015], [0035], and

wherein the point of sale device generates the electronic receipt without needing to retrieve additional [0035], [0065] information from the receipt administration system to generate the electronic receipt using the transaction dependent select policy of the plurality of electronic receipt policies, and wherein information from the local electronic receipt database and the local electronic receipt activity log is exported to the receipt administration system at predetermined time intervals [0034], [0046], original claims 11 & 15 .

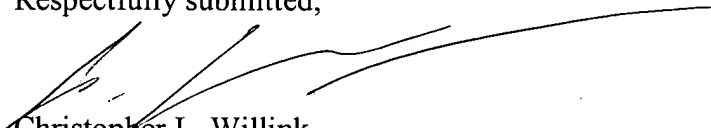
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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